

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

CASA DE MARYLAND, INC., *et al.*,

Plaintiffs,

versus

MAYORKAS, *et al.*,

Defendants.

Civil Case No. 20-2118-PX

JOINT STATUS REPORT

The parties hereby submit this status report pursuant to this Court's paperless order dated March 25, 2021 (ECF No. 105).

1. On November 10, 2020, Defendants filed a Notice of Interlocutory Appeal (ECF No. 88) of this Court's Order granting in part Plaintiffs' motion for a stay of effective dates under 5 U.S.C. § 705 or, in the alternative, preliminary injunction. (ECF Nos. 23, 69, 70). On November 23, 2020, Plaintiffs filed a Notice of Cross-Appeal. (ECF No. 92).

2. On March 22, 2021, Defendants and Plaintiffs jointly moved for voluntary dismissal of the appeal and cross-appeal, respectively. (Case Nos. 20-2217(L), 20-2263, ECF No. 22). On March 23, 2020, the Fourth Circuit dismissed the appeal and cross-appeal and issued a Rule 42(b) mandate. (Case Nos. 20-2217 (L), 20-2263, ECF Nos. 23, 24; *see* Dkt. Nos. 102, 103)

3. Defendants' time to respond to the complaint (ECF No. 1), which was filed on July 21, 2020, was extended without date. (ECF No. 85).

4. The parties have twice requested that the case be held in abeyance for a limited duration in light of the pending appeal and cross-appeal. (ECF Nos. 91, 96).

5. On February 4, 2021, the Court, at the parties' request, ordered the case to be held in abeyance until February 22, on which date the parties would submit a joint status report. (ECF No. 97).

6. The parties filed a joint status report on March 23, and the Court, at the parties' request, ordered the parties to file a status report on or before April 16 with a proposed omnibus schedule for this action, or other proposal for this action on or before April 16.

7. The parties have met and conferred, but have not reached an agreement as to how the case should proceed.

8. The defendants request that the case be placed in abeyance. The reason for this request is that the two rules at issue in this case are being reviewed for inclusion under the 90-day process set out in section 3(b) of Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5, 2021).

9. Plaintiffs intend to file a motion for partial summary judgment on their Homeland Security Act claim, and in the alternative, a motion to modify the preliminary injunction.

Plaintiffs anticipate filing this motion by early next week.

10. Because the parties have not yet come to an agreement as to how the case should proceed, defendants reserve their right to file a motion to extend their time to respond to the motion(s), or to seek any other available relief including a stay, once they have an opportunity to review the motion(s).

Dated: April 16, 2021

Respectfully submitted,

/s/

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